

EXHIBIT 65

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THE SUSMAN GODFREY DIFFERENCE

For nearly forty years, Susman Godfrey has focused its nationally recognized practice on just one thing: high-stakes commercial litigation. We are one of the nation's leading litigation boutique law firms with offices in Houston, Seattle, Los Angeles and New York. We have a unique perspective, the will to win, and an uncommon structure, which taken together provide the way to win.

A record of winning

One of Susman Godfrey's early cases, the *Corrugated Container* antitrust trial, led to one of the highest antitrust jury verdicts ever obtained. Since that extraordinary start, the firm has remained devoted to helping businesses and individuals achieve similarly extraordinary results. Recent high-profile victories include:

- Secured a settlement valued at nearly \$100 million while representing Flo & Eddie (the founding members of 70's music group, The Turtles) along with a class of owners of pre-1972 sound recordings for copyright violations by music provider Sirius XM. Susman Godfrey attorneys on this matter were named "California Lawyer Attorneys of the Year" by *The Daily Journal* for their legal work on this case.
- Won a \$43,214,515.83 federal court jury award favor of Apache Deepwater LLC and against W&T Offshore in an oil and gas related breach of contract case having to do with deepwater wells in the Gulf of Mexico. This verdict was named by *The National Law Journal* as one of "The Top 100 Verdicts of 2016."
- Secured **over half a billion dollars** with several international automobile parts suppliers in the *In Re Automotive Parts (Auto Parts)* price-fixing class action. The multidistrict litigation, pending in the United States District Court for the Eastern District of Michigan, alleges long-running global collusion by auto parts companies to fix prices of automotive component parts.
- Secured in excess of \$14 million in a precedent-setting victory for Humble Surgical Hospital against health insurer CIGNA, proving our clients allegations that that CIGNA violated the terms of its policies by denying coverage to patients who exercised their contractual right to choose Humble Surgical Hospital, an out-of-network provider, for care.
- Secured a \$244 million settlement in a federal monopolization and antitrust class action against News Corporation (News Corp) on behalf of a certified class of more than 500 consumer packaged goods companies. The media giant also agreed to change its business practices regarding in-store advertising.

- Representation of the plaintiffs in a number of successful private antitrust actions against Microsoft Corporation, including litigation or private negotiations on behalf of Gateway, Novell, Caldera, Be, Inc., Paltalk Holdings, and others.
- Representation of MicroUnity Systems in a variety of patent infringement litigation, which has led to confidential settlements with a variety of defendants, including Intel and Sony.
- Defeated claims for \$550 million in damages brought by Alcoa against our client, Luminant and convinced the jury to award Luminant \$10 million in counterclaim damages.
- Secured a \$225 million jury award for Dillard's, Inc. against I2 Technologies for fraud and breach of warranty.

These are only a few of our recent cases. Our practice area inserts provide a more complete description of Susman Godfrey's successes in a number of areas of commercial litigation, including intellectual property, antitrust, accounting malpractice, energy and natural resources, securities litigation, and climate change litigation.

The will to win

At Susman Godfrey, we want to win because we are stand-up trial attorneys, not discovery litigators. We approach each case as if it is headed for trial. Everything that we do is designed to prepare our attorneys to persuade a jury. When you are represented by Susman Godfrey, the opposing party will know that you are willing to take the case all the way to a verdict if necessary; this fact alone can make a good settlement possible.

Susman Godfrey has a longstanding reputation as one of the premier firms of trial lawyers in the United States. We are often brought in on the eve of trial to "rescue" troubled cases or to take the reins when the case requires trial lawyers with a proven record of courtroom success.

We also want to win because we share the risk with our clients. We prefer to work on a contingency-fee basis so that our time and efforts pay off only when we win. Our interests are aligned with our clients—we want to achieve the best-possible outcome at the lowest possible cost.

Finally, we want to win because each of our attorneys shares a commitment to your success. Each attorney at the firm — associate as well as partner — examines every proposed contingent fee case and has an equal vote on whether or not to accept it. The resulting profit or loss affects the compensation of every attorney at the firm. This model has been a tremendous success for both our attorneys and our clients. In recent years, we have achieved the highest profit-per-partner results in the nation. Our associates have enjoyed performance bonuses equal to their annual salaries. When you win, our attorneys win.

Unique perspective

Susman Godfrey represents an equal number of plaintiffs and defendants. Ours is not a cookie-cutter practice turning out the same case from the same side of the bar time after time. We thrive on variety, flexibility, and creativity. Clients appreciate the insights that our broad experience brings. "I think that's how they keep their tools sharp," says one.

Many companies who have had to defend cases brought by Susman Godfrey on behalf of plaintiffs are so impressed with our work in the courtroom that they hire us themselves next time around — companies like El Paso Corporation, Georgia-Pacific Corporation, Mead Paper, and Nokia Corporation.

We know from experience what motivates both plaintiffs and defendants. This dual perspective informs not just our trial tactics, but also our approach to settlement negotiations and mediation presentations. We are successful in court because we understand our opponent's case as well as our own.

An uncommon structure

At Susman Godfrey, our clients hire us to achieve the best possible result in the courtroom at the least possible cost. Because we learned to run our practice on a contingency-fee model where preparation of a case is at our expense, we have developed a very efficient approach to commercial litigation. We proved that big cases do not require big hours. And, because we staff and run all cases using the same model, clients who prefer to hire us by the hour also benefit from our approach.

There is no costly pyramid structure at Susman Godfrey. As a business, we are lean, mean and un-leveraged – with a two-to-one ratio between partners and associates. To counter the structural bloat of our opponents, who often have three associates for each partner, we rely on creativity and efficiency.

Susman Godfrey's experience has taught what is important at trial and what can be safely ignored. We limit document discovery and depositions to the essential. For most depositions and other case related events we send one attorney and one attorney alone to handle the matter. After three decades of trials, we know what we need – and what is just a waste of time and money.

Unparalleled talent

Susman Godfrey prides itself on a talent pool as deep as any firm in the country. Clerking for a judge in the federal court system is considered to be the best training for a young trial attorney, and 91% of our lawyers served in these highly sought-after clerkships after law school. Seven of our attorneys have clerked at the highest level – for Justices of the United States Supreme Court.

Our associates are not document-churning drones. Each associate at Susman Godfrey is expected to second-chair cases in the courtroom from the start. Because we are so confident in their abilities, we consider associates for partnership after seven years with the firm, unless they joined us following a federal judicial clerkship. In that case, we give credit for the clerkship, and the partnership track is generally six years. We pay them top salaries and bonuses, make them privy to the firm's financials, and let them vote — on an equal standing with partners — on virtually all firm decisions.

Each trial attorney at Susman Godfrey is invested in our unique model and stands ready to handle your big-stakes commercial litigation.

No Matter What the Case

Our firm is made up of the best and the brightest trial lawyers in the country. Quite simply, we can try any case, no matter what the subject matter. And our record proves it.

Patent law. Our lawyers are not "patent" lawyers. Yet Susman Godfrey is one of the nation's go-to firms for patent litigation. Indeed, as the amount in controversy soared in patent cases in the early 2000s, so has the number of patent cases tried and won by Susman Godfrey. Clients know that they need real trial lawyers to translate the patent talk into language that can be understood by a jury. And juries listen when Susman Godfrey lawyers talk. Our firm has won some of the largest jury verdicts in patent cases in the country.

Family law. Our lawyers are not "family" lawyers. Yet when the richest couples get in the nastiest

divorce battles, they call the real trial lawyers for the ultimate show down. When the owner of the Dodgers risked losing his team to his wife in a bitter divorce battle, Frank McCourt called Susman Godfrey. When David Saperstein found himself in divorce proceedings with his wife in over their multi-million dollar estate, including their \$125 million "Fleur de Lys" mansion, he hired Susman Godfrey.

Tax law. Our lawyers are not "tax" lawyers. Yet, when an individual had a \$ 800 million tax dispute and needed a trial lawyer, he hired Terry Oxford of Susman Godfrey. Terry, with the assistance of tax counsel, tried the case for 5 weeks in federal court. The result: a decision that would return the taxpayer more than half the disputed amount.

Criminal law. Our lawyers are not "criminal " lawyers . Yet when evidence suggested a death row inmate was wrongly convicted, those trying to right the wrong called Susman Godfrey. When Barry Scheck and his Innocence Project wanted help reversing the wrongful conviction of George Rodriguez, they teamed up with Susman Godfrey. The conviction was reversed and Mr. Rodriguez freed, and Susman Godfrey continues the battle to obtain fair compensation for the 17 years he spent behind bars.

It does not matter what area of law your case is. If we haven't already been involved in path-breaking litigation there, we will master it. And you will have the best possible trial team on your side.

Disclaimer: The information contained herein is revised frequently and is only accurate and current as of the date printed below. Please call us for the most recent edition.

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CLASS ACTIONS

For over thirty-five years, Susman Godfrey has been one of the preeminent firms in the country in class action cases. We have secured billions of dollars in victories for our clients across many fields, including antitrust and price-fixing cases, securities litigation, consumer class actions, and products liability cases. From the Corrugated Container antitrust class action, where Steve Susman's team recovered \$500 million for the plaintiffs, to 2015's \$37.5 million class action win (\$23 million after fees and expenses) for a class of more than 7000 limited partners who invested in 12 oil and gas limited partnerships, the Firm has a tradition of winning results, against the fiercest adversaries, when the stakes are highest. Defendants have also recognized the expertise and prowess of the Firm in class action litigation and the Firm has been retained to represent Defendants in a number of high stakes class action cases.

Some of the other significant results in class action cases the Firm has handled include:

- In a seminal insurance class action filed in the Southern District of New York, resolved in September 2015, Susman Godfrey served as lead counsel in a case that challenged Phoenix Life Insurance Company's and PHL Variable Insurance Company's decision to raise the cost of insurance ("COI") nationwide on life insurance policy owners. After winning class certification and defeating two motions for class decertification and a motion for summary judgment, the case settled the day of the final Pretrial Conference - less than two months before trial. Settlement terms included: \$48.5 million cash fund (\$34 million after fees and expenses), COI freeze through 2020, and a covenant by Phoenix not to challenge the policies, worth \$9 billion in face value, when the policies mature on the grounds of lack of insurable interest or misrepresentations in the application. At the final approval hearing, the Court concluded: "I want to say publicly that I think this is an excellent settlement. I think this is a superb – this may be the best settlement pound for pound for the class that I've ever seen."
- A class of 800,000 Comcast cable subscribers represented in part by Susman Godfrey alleged that between Jan. 1, 2003 and Dec. 31, 2008, Comcast and other cable companies entered into subscriber swaps and acquisitions that deterred over-builder competition and enabled Comcast to raise prices to supracompetitive levels, in violation of sections 1 and 2 of the Sherman Act. The parties settled for \$50 million after remand of the case from the U.S. Supreme Court. Final settlement (after fees and expenses) is to be determined later in 2015.

- In May 2014 Susman Godfrey secured a \$19 million cash settlement for customers of two New York City tour bus companies (approximately \$12 million after fees and expenses), Coach USA Inc. and City Sights LLC, and their joint venture, Twin America LLC. The settlement ends an antitrust class action against the □ joint venture, which plaintiffs said eliminated competition between the two bus companies and artificially raised prices for passengers.
- In December 2013 Susman Godfrey attorneys secured \$86 million in settlements (approximately \$62 million after fees and expenses) when serving as co-lead counsel in litigation involving more than 70 class action cases on behalf of airline passengers who alleged that between January 1, 2000 and August 1, 2007, Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and the Republic of Korea. The lawsuit asserted that the two airlines, in violation of federal antitrust laws, participated in meetings, conversations and communications during which they agreed to establish artificially high prices for air passenger travel.
- In July 2013 Toyota Motor Corporation agreed to pay benefits worth up to \$1.6 billion (approximately \$1.4 billion after fees and expenses) to settle multi-district class action litigation pending in federal court in Santa Ana, California. In the litigation, plaintiffs, represented by Susman Godfrey, asserted claims for economic losses associated with recalls for unintended acceleration problems in Toyota, Lexus and Scion vehicles.
- In March 2013, Susman Godfrey secured a jury verdict in an antitrust price-fixing class action brought on behalf of direct purchasers of vitamin C against two Chinese vitamin C manufacturers. The \$54.1 million verdict was tripled as required by law and after adjusting for \$32.5 million in settlements with other defendants (\$19.5 million net of fees and expenses), a final judgment of \$147 million was entered against the defendants. The judgment is now on appeal to the Second Circuit Court of Appeals.
- Susman Godfrey represented investors who were allegedly defrauded into purchasing securities issued by the parent of mortgage lender IndyMac Bank. The complaint alleged that IndyMac had misrepresented its financial health and the quality of its lending practices. In January 2013, after more than five years of intense, hard-fought litigation, the court granted final approval of a \$6.5 million recovery for the class (approximately \$4 million after fees and expenses).
- In *White, et al. v. NCAA*, Susman Godfrey served as co-lead counsel in an antitrust class action alleging that the NCAA violated the federal antitrust laws by restricting amounts of athletic based financial aid. The NCAA settled and paid, after fees and expenses, an additional \$218 million for use by current student-athletes to cover the costs of attending college and paid \$10 million to cover educational and professional development expenses for former student-athletes.
- Susman Godfrey has been appointed to serve as lead or co-lead counsel in over a dozen antitrust class actions since 1996. In appointing Susman Godfrey co-lead counsel in one such case, *In re Crude Oil*, Judge Pauley praised the firm's long history of serving as "lead counsel in hundreds of class actions, including complex antitrust actions." See *In re Crude Oil Commodity Futures Litig.*, No. 11-CV-3600 (WHP), 2012 WL 569195, at *2 (S.D.N.Y. Feb. 14, 2012).

The information contained herein is revised frequently and is only accurate and current as of the date printed above. Please call us for the most recent edition.

www.susmangodfrey.com/attorneys/marc-m-seltzer/



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Marc M. Seltzer

Partner

Marc Seltzer has practiced law for more than forty-five years, litigating complex cases in state and federal courts throughout the United States. Before joining Susman Godfrey, he was a principal in the law firm of Corinblit & Seltzer, a Professional Corporation. Marc Seltzer's relationship with the lawyers of Susman Godfrey began in the late 1970's, when he worked with Steve Susman on the *Corrugated Container* antitrust case. In the ensuing years, Mr. Seltzer joined forces with Susman Godfrey on a number of other cases. In February 1998, Marc Seltzer became a partner of the firm, and opened the firm's Los Angeles office. Since then, the firm's Los Angeles office has become one of the leading litigation boutiques in California.

Marc Seltzer's involvement in nationally prominent litigation began in the mid-1970's, when he was tapped by Jack Corinblit to work on the massive *Equity Funding* securities litigation. That case consisted of more

than 100 consolidated class and individual cases, and was settled in 1976 for over \$60 million, then the largest recovery ever achieved in a securities fraud class action. See *In re Equity Funding Corp. of America Securities Litigation*, 438 F. Supp. 1303 (C.D. Cal. 1977). Later, in the 1980's, Mr. Seltzer was appointed by the Los Angeles federal court to serve as sole lead counsel to represent the plaintiff class in the *ZZZZ Best* securities fraud case. The *ZZZZ Best* fraud was described by the United States Attorney for the Central District of California as "the most massive and elaborate securities fraud perpetrated on the West Coast in over a decade," harking back to the *Equity Funding* case. The case resulted in several important published decisions sustaining plaintiffs' claims. See *In re ZZZZ Best Securities Litigation*, 864 F. Supp. 960 (C.D. Cal. 1994).

Since joining the firm, Mr. Seltzer has continued to represent both plaintiffs and defendants in a wide variety of high stakes cases. Among other prominent cases, Mr. Seltzer served as co-trial counsel with Steve Susman in representing Frank McCourt in his marital property litigation with his former wife which involved competing claims to ownership of the Los Angeles Dodgers. In 2015, Mr. Seltzer successfully argued the appeal taken by Ms. McCourt from the order denying her motion to set aside the settlement reached in that case.

In the *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, Marc Seltzer was appointed by the Court to serve as one of the co-lead counsel for the economic loss class action plaintiffs. After three years of hard fought litigation, an historic settlement was reached valued by the Court at approximately \$1.6 billion, with the class receiving net benefits valued at approximately \$1.4 billion.

Mr. Seltzer is currently leading Susman Godfrey's efforts as one of co-lead counsel for plaintiffs in *In re Automotive Parts Antitrust Litigation*, pending in the Detroit federal court. The United States Department of Justice has called the cartels that are the subject of this litigation the largest group of price-fixing conspiracies ever uncovered. The cases have been partially settled for more than a billion dollars.

In 2019, Seltzer was named one of the "[Thought Leaders in Competition – Plaintiff](#)" by *Who's Who Legal* (Law Business Research Ltd). Seltzer is one of only seventeen lawyers in the United States and one of only twenty six lawyers across the world to receive this distinction.

In 2020 and 2021 Seltzer was named one of California's "Top Antitrust Lawyers" by the *Los Angeles Daily Journal*. In 2018, Seltzer was named one of thirty "[Top Plaintiffs Lawyers](#)" and one of the "[Top 100 Lawyers](#)" in California by the same publication. He was named a "[Top Plaintiffs Lawyer](#)" again in 2022. Seltzer was honored twice in late 2017 for his ground-breaking antitrust work. In December, 2017, he was named an "[Competition MVP](#)" by *Law360* and in September 2017, Seltzer was named a "[Giant Slayer](#)" by *The Recorder* (ALM Publication). These recognition were in large part due to his leadership roles in *In re: Auto Parts* and *In re Animation Workers Antitrust Litigation*, the latter in which Seltzer took on the world's largest animation companies, including Disney, Pixar, Lucasfilm Ltd., Dreamworks and Sony, on behalf of animation employees and recovered nearly \$170 million.

In December 2013, Mr. Seltzer was named to *Law360*'s annual list of legal "MVPs." He was one of just three attorneys in the nation selected by *Law360* for recognition in the Class Action category. He has also been named to the *International Who's Who of Competition Lawyers & Economists*. Nominees were selected by *Global Competition Review* based upon "comprehensive, independent survey work with both general counsel and private practice lawyers worldwide." Seltzer has been named to this list many times, most recently in 2018.

Additionally, Mr. Seltzer's many significant class action achievements helped secure Susman Godfrey's recognition as *Law360*'s "Class Action Group of the Year" in 2017 and 2018.

Over his many years of practice, Mr. Seltzer has also represented defendants in antitrust, securities, copyright, trademark, trade secret, unfair competition, class action and other complex litigation.

Mr. Seltzer has also been recognized for his service to the legal community.

Honors and Distinctions

- *Lawdragon* 500 Leading Litigator (2022)
- Selected as one of the 30 Top Plaintiff Lawyers in all of California in 2018 and in 2022 by *The Los Angeles Daily Journal*
- Selected as one of the Top Antitrust Lawyers in California in 2020 and 2021 by *The Los Angeles Daily Journal*.
- Recognized by the American Jewish Committee (AJC) at its 39th Annual Learned Hand Award Dinner (2019)
- Recognized by the National Association of Legal Fee Analysis (Specializing in Attorney's Fees and Legal Billing) as "Highly Experienced in Dealing with Fee Issues Arising in Complex Litigation." (2019, 2020)
- Recognized for Outstanding Antitrust Litigation Achievement in Private Law Practice by the American Antitrust Institute (2019) for work on *In re: Automotive Parts Antitrust Litigation*.
- Recognized on *Lawdragon* 500's list of the country's Leading Plaintiff Financial Lawyers (2019, 2020, 2021, 2022)
- Named one of the Thought Leaders in Competition – Plaintiff by Who's Who Legal (Law Business Research Ltd) – (2019, 2020, 2021)
- Ranked by Martindale-Hubbe as a Judicial AV Preeminent Lawyer – the highest possible rating in both legal ability and ethical standards (2017 -2022)
- Selected as one of the Top 100 Lawyers in California in 2018 by *The Los Angeles Daily Journal*
- Recognized by Chambers U.S. for Litigation: General Commercial in California (2018, 2019, 2020)
- Recognized by Chambers U.S. for Antitrust Litigation in California (2020)
- Named a "Leading Lawyers" for "Antitrust – Civil litigation/Class Actions – Plaintiff" by The Legal 500 (2018, 2019, 2020, 2021)
- Named to the Global Competition Review's *Who's Who Legal: Competition* – a guide to the world's leading competition lawyers and economists (2018, 2019, 2020).
- Named a Giant Slayer by *The Recorder* (2017, ALM)

- Named a [Competition MVP](#) by *Law360* (2017)
- Selected as one of the 30 [Top Plaintiff Lawyers in all of California in 2016](#) by *The Los Angeles Daily Journal*
- Named a “Super Lawyer” by Southern California Law & Politics magazine (2004-2022, Thomson Reuters)
- Named a [National Practice Area Star](#) by *Benchmark Litigation* (2019, 2022)
- Named a Litigation Star by *Benchmark Litigation* (2014 – 2023)
- Named by *US News* as one of the *Best Lawyers in America* for Commercial Litigation and Litigation – Securities (Los Angeles, 2016-2023, Woodward-White, Inc.)
- Named a “[Class Action MVP](#)” by *Law360* (2013)
- Recipient, 2012 Jewish Federation of Los Angeles’ Bruce I. Hochman-Maimonides Torch of Justice Award
- Recipient, 2004 American ORT Jurisprudence Award
- Named one of Law Dragon’s 500 Leading Plaintiff’s Lawyers (2007)
- Named one of Law Dragon’s 100 Lawyers You Need To Know in Securities Litigation (2008)

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Books and Articles

- Co-author, California Federal Civil Rules (LexisNexis 2017)
- Co-author, California State Antitrust and Unfair Competition Law (Matthew Bender & Co. 2014), published by the Antitrust and Unfair Competition Law Section, State Bar of California
- “Choosing Between Class and Derivative Actions,” published in Second Annual Institute, Class and Derivative Litigation in the 1990’s — The New Frontier (Prentice Hall Law & Bus. 1991); and the same topic for subsequent Annual Institutes
- “Measures of Damages in Private Actions for Violations of the Federal Securities Laws: The Basic Rules and Selected Problems,” published in Securities Litigation 1990 (PLI 1990)
- “Shareholders’ Derivative Suits in Contests for Corporate Control,” published in Securities Litigation 1986: Prosecution and Defense Strategies (PLI 1986)

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Professional Associations and Memberships

- Past Vice-Chair of the Executive Committee, Antitrust and Unfair Competition Law Section, State Bar of California
- Past President and current member of the Board of Directors of the Ninth Judicial Circuit Historical Society
- Past President and current member of the Board of Directors of the Legal Aid Foundation of Los Angeles
- Life Member of the American Law Institute
- Member, Advisory Board of the American Antitrust Institute

- Member, The Chancery Club
- Member, Board of Directors of the American Constitution Society for Law and Policy
- Member, Board of Directors of the National Equal Justice Library
- Member, Board of Directors, American Friends of Hebrew University, Western Region
- Member, Board of Trustees of the Lawyers Committee for Civil Rights Under Law
- Member, Board of Directors of the Friends of the Los Angeles County Law Library
- Life Fellow of the American Bar Foundation
- Member, American Bar Association (and its Business Law, Antitrust Law, Torts and Insurance Law, and Litigation Sections)
- Member, Board of Counselors for Equal Justice Works

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Notable Representation

- In re: *Libor-Based Financial Instruments Antitrust Litigation*, Susman Godfrey serves as court-appointed co-lead counsel in this consolidated antitrust proceeding arising out of the LIBOR scandal. Seltzer is one of most senior members of the Susman Godfrey trial team in this litigation. Susman Godfrey represents the over-the-counter direct purchaser class, which was certified by the Court in 2018- the only one of several proposed classes to receive certification. Recent agreements with several defendants have brought settlements to date to nearly \$600 million. Each of the settling defendants has also agreed to cooperate in the ongoing litigation against the remaining non-settling defendants.
- *In re Animation Workers Antitrust Litigation*, consolidated class actions filed in San Jose federal court on behalf of animation workers who were allegedly subject to wage suppression as a result of “no poaching” agreements by their employers. Marc Seltzer and the firm were appointed to serve as co-lead counsel for the plaintiffs. Over \$168 million in settlements, before fees and expenses, were secured for the benefit of the class. Seltzer was named a “[Giant Slayer](#)” by *The Recorder* (2017, ALM Publication) for his work on this case.
- *In re Korean Air Lines Co., Ltd. Antitrust Litigation*, consisting of more than eighty consolidated antitrust class action cases pending in the Los Angeles federal court. Marc Seltzer was appointed by the Los Angeles federal court to serve as one of the co-lead counsel for the class. Plaintiffs alleged that the two airline company defendants conspired to fix the prices of tickets for travel between the United States and Korea. The case was settled for \$86 million in cash and travel vouchers, with the class receiving approximately \$60 million.
- *Schulein, et al. v. Petroleum Development Corp., et al.*, a case in which Marc Seltzer served as lead counsel for the plaintiffs in a class action brought in Santa Ana federal court on behalf of more than 7000 limited partners who invested in 12 oil and gas limited partnerships. Plaintiffs alleged the defendants made false and misleading statements and omitted material information regarding the value of the partnerships in proxy statements used to solicit votes in favor of mergers that cashed the plaintiffs out of their investments. After three years of hard fought litigation, the case was settled on the eve of trial for \$37.5 million, with the class receiving approximately \$24 million.

- *In re Structured Settlement Litigation*, a series of consolidated class actions were brought in the Los Angeles Superior Court in which Marc Seltzer served as one of the lead counsel for the plaintiffs. The plaintiffs were parties to structured settlements that resolved their personal injury and wrongful death cases. They were victimized years later by the alleged fraudulent conversion of U.S. Treasury bonds backing their settlements. The litigation was settled for approximately \$130 million. More than \$100 million was distributed to the class.
- *McGuire v. Dendreon Corp.*, consolidated securities fraud class action cases filed in Seattle federal court in which Marc Seltzer was appointed by the Court to serve as lead counsel for the class. Plaintiffs alleged that defendants had made false and misleading statements about a new drug that the company planned to sell. The case was settled for \$16.5 million, with the class receiving approximately \$12 million.
- *Clark v. AdvanceMe, Inc.*, a class action brought in Los Angeles federal court challenging financial arrangements with retail merchants under California's laws against usury. Marc Seltzer served as lead counsel for the class. The case was settled for approximately \$23.4 million in cash and other economic consideration, with the class receiving approximately \$19 million.
- *CLRB Hanson Industries, LLC v. Google, Inc.*, a class action for alleged overcharging for advertising services which was settled for \$20 million, with the class receiving \$15 million. Marc Seltzer successfully argued the appeal from the judgment approving the settlement before the Ninth Circuit. See 465 Fed. Appx. 617 (9th Cir. 2012)
- *In Re Universal Service Fund Telephone Billing Practices Litigation*, an antitrust and breach of contract class action involving more than fifty consolidated cases in which Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled as to one defendant for benefits to the class totaling \$25 million, and tried to a verdict as to the remaining defendant. The jury found in favor of defendant on the antitrust claim and returned a verdict in favor of plaintiffs on the breach of contract claim which was affirmed by the Tenth Circuit. The trial court issued numerous published decisions in this matter. See, e.g., *In Re Universal Service Fund Telephone Billing Practices Litigation*, 300 F. Supp.2d 1107 (D. Kan. 2003).
- *Masimo Corp. v. Tyco Healthcare Group L.P.*, an individual antitrust case for monopolization and restraint of trade in which Marc Seltzer served as co-trial counsel for the plaintiff. The case was tried to a verdict resulting in an award in favor of our client. A new trial was granted as to damages. On retrial, the Court awarded approximately \$45 million in damages (after trebling). The Ninth Circuit affirmed the liability verdict and damages award. See 350 Fed. Appx. 95 (9th Cir. 2009). Our client received a net recovery of approximately \$27 million.
- *White v. NCAA*, an antitrust class action brought in Los Angeles federal court challenging limitations on financial assistance provided by colleges and universities to student athletes. Marc Seltzer served as co-lead counsel for the plaintiff class. The case was settled for benefits netting the class approximately \$220 million, plus court-approved attorneys' fees and costs.
- *Livid Holdings, Ltd. v. Salomon Smith Barney, Inc.*, a securities fraud case brought on behalf of an investor in a start up company. Marc Seltzer was retained to represent the plaintiff on appeal following the dismissal of the action by the trial court, and was successful in overturning the dismissal of the

case. See *Livid Holdings Ltd. v. Salomon Smith Barney, Inc.*, 416 F.3d 940 (9th Cir. 2005). The case was subsequently settled for a confidential amount.

- *In Motorcar Parts & Accessories Securities Litigation*, fourteen consolidated securities fraud class actions in which Marc Seltzer was appointed by the Los Angeles federal court to serve as lead counsel for the class. The case was settled for \$7.5 million. See *Z-Seven Fund, Inc. v. Motorcar Parts & Accessories*, 231 F.3d 1215 (9th Cir. 2000).
- *In re IDB Communications Group, Inc. Securities Litigation*, in which Marc Seltzer served as one of four co-lead counsel appointed by the Los Angeles federal court to represent the plaintiff class in more than twenty consolidated securities fraud class action cases. The case was settled for \$75 million.
- *In re Taxable Municipal Bond Securities Litigation*, in which four lawyers, including Marc Seltzer, served on Plaintiffs' Executive Committee, and together with plaintiffs' lead counsel, supervised and managed every aspect of the litigation. This litigation was a consolidated multi-district proceeding brought on behalf of defrauded purchasers of taxable municipal bonds. The case resulted in numerous reported decisions on important recurring issues arising under the federal securities laws. See, e.g., *In re Taxable Municipal Bond Litigation*, [1993 Transfer Binder] Fed. Sec. L. Rep. (CCH) 97,742 (E.D. La. 1993). After several years of intense litigation, the case was settled for approximately \$110 million.
- *Cowles v. Gannett Outdoor Co., Inc.*, of Southern California, coordinated class actions brought in Los Angeles federal court for an alleged conspiracy to suppress competition for leases for billboards sites in Southern California in violation of § 1 of the Sherman Act. Marc Seltzer served as co-lead counsel for the class. The case was settled for \$6.5 million.
- *Slaven v. B. P. America, Inc.*, a class action brought in Los Angeles federal court on behalf of fishermen and business owners for economic losses suffered as a result of the spill of more than 200,000 gallons of crude oil from a tanker off the coast of Huntington Beach, California that befouled coastal waters and nearby beaches. The case was brought under the Trans-Alaska Pipeline Authorization Act, admiralty law and the law of California, and resulted in several published decisions in the district court and the Ninth Circuit. See, e.g., *Slaven v. B. P. America, Inc.*, 973 F.2d 1468 (9th Cir. 1992). Marc Seltzer served as co-lead counsel for the class. The case was ultimately settled for \$4 million, plus court-approved attorneys' fees and costs.
- *In re Carnation Company Securities Litigation*, consolidated class actions for violation of the federal securities laws brought in Los Angeles federal court. The plaintiffs alleged that false denials were made relating to the potential takeover of Carnation Company by Nestle, S.A., before the merger of the two firms was announced. Marc Seltzer served as co-lead counsel for the class. The case was settled for \$13 million.
- *In re International Technology Securities Litigation*, consolidated securities class actions filed in Los Angeles federal court. The plaintiffs alleged that the Company's financial statements were materially misleading for failing to earlier write off or set up appropriate accounting reserves relating to the Company's off-site waste disposal operations. Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled for \$12 million in cash and newly-issued securities.
- *Guenther v. Cooper Life Sciences, Inc.*, a combined stockholders class and derivative action brought in San Francisco federal court for alleged false and misleading statements regarding the Company's

products and prospects. Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled for \$9.85 million in cash plus non-cash economic benefits valued at \$8.3 million.

- *Heckmann v. Ahmanson*, consolidated class and derivative actions arising out of the alleged “greenmailing” of the Walt Disney Co. by Saul Steinberg. Marc Seltzer was one of the lead counsel for the class of stockholders. The case was settled after three weeks of trial for approximately \$60 million. *See Heckmann v. Ahmanson*, [1989 Transfer Binder] Fed. Sec. L. Rep. ¶ 94, 447 (Cal. Sup. Ct. April 12, 1989) (order denying summary judgment).
- *Financial Federation, Inc. v. Ashkenazy*, in which Marc Seltzer and his co-trial counsel successfully defended at trial an anti-takeover case brought by a financial institution in Los Angeles federal court under the federal securities laws and the RICO statute against persons who allegedly sought to take control of the institution. *See Financial Federation, Inc. v. Ashkenazy*, [1984 Transfer Binder] Fed. Sec. L. Rep. (CCH) 91,489 (C.D. Cal. 1983).
- *Green v. Occidental Petroleum Corp.*, in which Marc Seltzer, together with co-counsel, represented plaintiffs in consolidated securities fraud class action cases that established important precedent in the Ninth Circuit regarding the certification of plaintiff classes and the computation of damages in securities fraud cases. *See Green v. Occidental Petroleum Corp.*, 541 F.2d 1335 (9th Cir. 1976). The case was settled for \$12 million.
- *Wool v. Tandem Computers, Inc.*, a securities fraud class action in which Marc Seltzer played a leading role. One of the notable achievements in this case was a victory for the plaintiffs in the Ninth Circuit which established important precedent concerning the measure of damages recoverable in federal securities fraud class action cases, the standard for “controlling person” liability under the federal securities laws and the requirements for pleading fraud with the particularity specified under Rule 9(b), Fed.R. Civ. P. *See Wool v. Tandem Computers, Inc.*, 818 F.2d 1433 (9th Cir. 1987). Following the issuance of the Ninth Circuit’s decision, the case was settled for \$16.5 million.
- *Plaine v. McCabe*, a securities class action, in which Marc Seltzer argued before the Ninth Circuit, obtaining a substantial victory for plaintiffs, and establishing significant precedent in the Ninth Circuit regarding the standards for liability and remedies for violations of tender offer disclosure rules under the federal securities laws. *See Plaine v. McCabe*, 797 F.2d 713 (9th Cir. 1986).
- *Biben v. Card*, consolidated securities fraud class actions where Marc Seltzer served as co-lead counsel for plaintiffs. The plaintiffs achieved substantial pretrial victories, including establishing the validity of their claims under the federal securities laws against the defendants in that case. *See Biben v. Card*, [1984-1985 Transfer Binder] Fed. Sec. L. Rep. (CCH) 92,010 (W.D. Mo. 1985), on denial of motion for reconsideration, [1984-1985 Transfer Binder] Fed. Sec. L. Rep. (CCH) 92,083 (W.D. Mo. 1985). The case settled for approximately \$12 million.
- *Sanwa Bank California v. Facciani*, where Marc Seltzer was co-lead counsel for a plaintiff class in which settlements totaling approximately \$26 million in cash were obtained on behalf of defrauded investors who were victimized by an alleged Ponzi scheme.
- *In re California Indirect-Purchaser Infant Formula Antitrust Class Action Litigation*, comprised of several consolidated consumer class actions brought for alleged price-fixing of infant formula products. Marc Seltzer was appointed by the Court to serve as one of two co-lead counsel for plaintiffs and the class. The case was settled for approximately \$20 million.

- *Small v. Sunset Park*, where Marc Seltzer was lead counsel for a class of investors involving an alleged Ponzi scheme in which settlements totaling more than \$16.8 million were achieved (\$11.8 million net to the class), including \$12 million paid in settlement by a then “Big Five” accounting firm.
- *In re Applied Magnetics Corporation Securities Litigation*, consolidated securities fraud class actions, filed in Los Angeles federal court, where Marc Seltzer was appointed co-lead counsel for the class. Plaintiffs successfully defended against defendants’ motion to dismiss plaintiffs’ consolidated complaint. See *In re Applied Magnetics Corp. Sec. Litig.*, [1994-1995 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 98,345 (C.D. Cal. 1994). The case was subsequently settled.
- *Schneider v. Traweek*, federal and state court securities fraud class actions in which Marc Seltzer served as lead counsel for the plaintiffs. Significant victories were obtained on plaintiffs’ behalf in defeating motions to dismiss and in obtaining class certification. See *Schneider v. Traweek* [1990 Transfer Binder] Fed. Sec. L. Rep. (CCH) 95,419 and 95,505 (C.D. Cal. 1990). The case was settled for approximately \$14 million, \$10.8 million net to the class.
- *Johnson v. Boston*, where Marc Seltzer was co-lead counsel for a nationwide class of investors in promissory notes victimized by an alleged Ponzi scheme. Approximately \$20 million in settlements were obtained for the defrauded investors.
- *Lilienthal v. Levi Strauss & Co.*, an individual minority shareholder’s action for alleged breach of fiduciary duty by the majority owners, which resulted in a judgment after trial for the plaintiff providing for a recovery in excess of \$3 million. Plaintiff subsequently collected more than \$2 million net of attorneys’ fees. Marc Seltzer was co-trial counsel for the plaintiff with Jack Corinblit.

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Steven G. Sklaver

Partner



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Education

- Dartmouth College (B.A., *cum laude*)
- Northwestern University School of Law (J.D., *magna cum laude* and Order of the Coif)

Judicial Clerkship

Law Clerk to the Honorable David M. Ebel, United States Court of Appeal for the Tenth Circuit

Steven G. Sklaver

Partner

Named one of [Lawdragon's 500 Leading Lawyers](#) since 2020, a recipient of the [California Lawyer Attorneys of the Year](#) award in 2017 and selected as "Top Plaintiff Lawyers in all of California" in 2016 and 2017 by *The Daily Journal*; Steven Sklaver has secured substantial litigation victories for both plaintiffs and defendants. For plaintiffs, Sklaver was lead counsel for a certified class of insurance policy owners, helping them achieve

what the Court in the Southern District of New York described as “the best settlement pound for pound for the class that I’ve ever seen.” You can read the Court’s statement in full [here](#). You can also read more about the case in The Deal’s profile on the litigation [here](#). Sklaver was also lead trial and appellate counsel for investors against an insurance company that resulted in a complete victory and full pay-out of a \$20 million life insurance policy. A copy of the appellate court decision is available [here](#). To listen to Sklaver’s appellate oral argument, click [here](#). That matter was the feature cover story of the [April 2012 California Lawyer](#).

Sklaver also represents the former members of the legendary rock group The Turtles in ***Flo & Eddie, Inc. v. Sirius XM Radio, Inc.*** (C.D. Cal.) in a certified class action lawsuit against Sirius XM that settled less than 48 hours before the jury trial was scheduled to begin. Sirius XM agreed to pay at least \$25.5 million (over \$16 million after fees and expenses) and royalties under a 10-year license that is valued up to \$62 million (over \$41 million after fees and expenses) as compensation for publicly performing without a license Pre-1972 sound recordings. The settlement was [approved by the Court](#), and has received widespread media coverage from publications such as [The New York Times](#), [Billboard](#), [The Hollywood Reporter](#), [Law360](#), [Rolling Stone](#), [Variety](#), [Reuters](#) and [Managing IP](#).

Within six months after the Sirius XM class action settled, so did Sklaver’s [copyright class action](#) brought on behalf of artists owed mechanical royalties for compositions made available by Spotify, the leader in digital music streaming. [Spotify agreed to a class action settlement valued at over \\$112 million](#) (over \$95 million after fees and expenses), a settlement for which the district court granted final approval and remains subject to a pending appeal. You can read more about this matter in [Billboard](#).

Sklaver’s many significant and widely covered class action results in 2016 helped secure Susman Godfrey’s recognition as *Law360*’s “Class Action Group of the Year” in early 2017. You can read that article announcing the award [here](#).

For defendants, Sklaver has handled numerous employment class actions across the country. He served, along with the Managing Partner of Susman Godfrey, as trial counsel for Wal-Mart, the world’s largest retailer, trying a large employment class action in California. He also successfully defended and defeated class certification in numerous, substantial wage and hour matters for Alta-Dena Certified Dairy, LLC, dairy producers for Dean Foods, one of the leading food and beverage companies in the United States. Copies of the pro-employer decisions are available [here](#), [here](#), and [here](#).

Sklaver has tried complex commercial and class action disputes — including jury trials and bench trials in federal and state court, as well as arbitrations. Sklaver graduated cum laude from Dartmouth College, magna cum laude and Order of the Coif from Northwestern University School of Law, and clerked for Judge David Ebel on the United States Court of Appeals for the Tenth Circuit. Sklaver also won the National Debate Tournament for Dartmouth College, and is just one of four individuals in debate history to win three national championships at the high school and collegiate level. From 2010-2022, Sklaver has been recognized every year as a “Super Lawyer” in Southern California, awarded to no more than the top 5% of the lawyers in the state of California (Law & Politics Magazine, Thomson Reuters).

Sklaver currently serves on the Board of Directors for the Western Center on Law & Poverty, the Los Angeles Metropolitan Debate League, and the Association of Business Trial Lawyers. Sklaver was also selected as the 2016-2017 Ninth Circuit Judicial Conference Lawyer Representative.

Honors and Distinctions

- *Lawdragon* 500 Leading Litigator ([2022](#))
- [Litigation Star](#), Benchmark Litigation (2022, Euromoney)
- Recommended Lawyer – Litigation – Labor and Employment, Best Lawyers in American (2020 – 2023, Woodward White, Inc.)
- Southern California California Super Lawyer (2010 – 2022, Thomson Reuters)
- *Lawdragon* 500 Leading Lawyers in America ([2020](#), [2021](#), [2022](#))
- *Lawdragon* 500 Leading Plaintiff Financial Lawyers ([2019](#), [2020](#), [2021](#), [2022](#))
- [Outstanding Antitrust Litigation Achievement in Private Law Practice](#) by the [American Antitrust Institute](#) (2019) for work on *In re: Automotive Parts Antitrust Litigation*.
- [California's Lawyer Attorneys of the Year](#) in 2017 by *The Daily Journal*. Click [here](#) for a photo of Sklaver, along with co-counsel, receiving the award.
- [Top 30 Plaintiff Lawyers in all of California in 2016](#) by *The Daily Journal*
- Southern California “Super Lawyers” awarded to no more than the top 5% of the lawyers in the state of California (2010 – 2021, *Law & Politics Magazine*, Thomson Reuters)
- Northwestern Law Review member and editor
- National Debate Tournament (NDT) collegiate championship winner

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Articles and Speeches

“Federal Power to Commandeer State Courts: Implications for the Theory of Judicial Federalism,” 32 Ind. L. Rev. 71 (1998) (with Martin H. Redish, Professor, Northwestern University School of Law).

Speaking Engagements

- “Compliance Track: Cost of Insurance Litigation Overview” – The 24th Annual Fall Life Settlement and Compliance Conference (Orlando, Florida)
- “Cost of Insurance” – The Life Settlements Conference 2018 (New York City, NY)
- “Cost of Insurance: What Has Been Filed and Decided and What Will Happen Next?” Anticipating Tomorrow – A Symposium on Emerging Legal Issues in Life Insurance. (Philadelphia, PA)
- “Current COI Increases – What’s it All About? The Legal Perspective.” ReFocus2017 Conference (Las Vegas, NV)
- “Litigation Update: Will the Arthur Kramer Insurable-Interest Decision Lift the Cloud Over Much of the Litigation in the Market?” The 2011 International Life Settlements Conference (London, England)
- “Seeking Interlocutory Appellate Review of Class-Certification Rulings: Tactics, Strategies, and Selected Issues.” Bridgeport 10th Annual Class Action Litigation Conference (Los Angeles, CA)
- PwC 2010 Securities Litigation Study Luncheon. (Los Angeles, CA)

- Life Settlement Litigation Update. 2010 Life Settlement Compliance Conference and Legal Round Table (Atlanta, GA)
- “Litigation: What are the Legal Trends Affecting the Market?” The Life Settlements Conference 2010 (Las Vegas, NV)

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Professional Associations and Memberships

- United States Supreme Court
- United States Court of Appeals for the Ninth and Tenth Circuits
- United States District Courts for the Central, Southern, Northern, and Eastern Districts of California and District of Colorado
- Admitted to state bars of Illinois, Colorado, and California
- Board of Directors, Los Angeles Metropolitan Debate League
- Board of Directors, Western Center on Law & Poverty

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Notable Representations

Class Actions

- **Copyright Infringement:** Sklaver serves as co-lead counsel with the Gradstein & Marzano firm representing Flo & Eddie (the founding members of 70's music group, The Turtles) along with a class of owners of pre-1972 sound recordings for copyright violations by music provider Sirius XM. The day before trial was to commence before a California jury in federal court in late 2016, Flo & Eddie reached a landmark settlement with Sirius XM on behalf of the class in a deal potentially worth \$99 million. The Court granted [final approval of the settlement](#) in May 2017. Click [here](#) for more. Sklaver with his co-leads were recently named “[California Lawyer Attorneys of the Year](#)” by *The Daily Journal* for their outstanding legal work on this case.
- In May 2017, Sklaver, as co-lead counsel with Gradstein Marzano, secured a deal valued at \$112 million to settle a class-action lawsuit with Spotify brought on behalf of music copyright owners. The suit alleged that Spotify made music available online without securing mechanical rights from the tracks' composers. Under the terms of the deal, Spotify will pay songwriters \$43.45 million for past royalties, as well as commit to pay ongoing royalties that are valued at \$63 million. Read more about the case [here](#) and see Billboards coverage of it [here](#).
- **Insurance:** In a seminal insurance class action filed in the Southern District of New York, resolved in September 2015, Mr. Sklaver served as lead counsel in a case that challenged Phoenix Life Insurance Company's and PHL Variable Insurance Company's decision to raise the cost of insurance (“COI”) nationwide on life insurance policy owners. After winning class certification and defeating two motions for class decertification and a motion for summary judgment, the case settled the day of the final Pretrial Conference — less than two months before trial. Settlement terms included: \$48.5 million cash

fund (\$34 million after fees and expenses), COI freeze through 2020, and a covenant by Phoenix not to challenge the policies, worth \$9 billion in face value, when the policies mature on the grounds of lack of insurable interest or misrepresentations in the application. At the final approval hearing, the Court concluded, ***“I want to say publicly that I think this is an excellent settlement. I think this is a superb – this may be the best settlement pound for pound for the class that I’ve ever seen.”*** You can read the statement in full on page 3 [here](#). You can also read more about the case in *The Deal’s* feature on the matter [here](#).

- **Antitrust:** *In re Automotive Parts Antitrust Litigation*. In the largest price-fixing cartel ever brought to light, Mr. Sklaver and a team of Susman Godfrey lawyers run a massive MDL litigation in which the firm serves as co-lead counsel for a class of consumer plaintiffs in multidistrict price-fixing cases pending in a Detroit, Michigan federal court. The actions, alleging anti-competitive conduct, were brought by indirect purchasers of component parts included in over 20 million automobiles, and involve parts such as wire harnesses, instrument panel clusters, fuel senders, heater control panels and alternators. The Department of Justice has imposed fines exceeding \$2.6 billion pursuant to guilty plea agreements with some of the defendants, and its investigation is still ongoing. The Susman Godfrey team together with its co-lead counsel has defeated multiple motions to dismiss. Settlements have been reached with a certain defendants for a combined \$620 million thus far. Final settlement (after fees and expenses) has not yet been determined. The case remains ongoing against the remaining defendants.

LIFE SETTLEMENTS

- Represented Jonathan Berck, as Trustee of the Rosamond Janis Insurance Trust in a \$5 million rescission claim brought by the Lincoln Life and Annuity Company of New York for alleged violations of New York’s insurable interest laws and other “STOLI” (stranger originated life insurance) related claims. RESULT: Summary judgment granted in favor of my client. A copy of the summary judgment order is available [here](#).
- Won reversal in a \$20 million life settlement rescission lawsuit against Lincoln Life & Annuity Company of New York. Lincoln’s lawsuit was based on allegations that the insurance policies lacked an insurable interest because they were procured by third-parties for investment purposes and because there were net worth and other misrepresentations in the applications. The appellate court ordered that the trial court enter judgment in favor of the trust. The appellate court also affirmed our trial court victory that Lincoln’s fraud claim was time barred because the policies were incontestable. The case is *Lincoln Life & Annuity Co. of New York v. Jonathan Berck, as Trustee of the Jack Teren Insurance Trust*, Court of Appeal Case No. D056373 (Cal. Ct. App. May 17, 2011). A copy of the appellate court decision is available [here](#). To listen to Mr. Sklaver’s appellate oral argument, [click here](#). The *Teren* case was the feature, cover story of the [April 2012 California Lawyer](#).
- Represents investors, trusts, trustees, brokers, and insureds in life settlement and STOLI litigation across the country against insurance companies seeking to rescind policies with face values worth more than \$125 million. Mr. Sklaver is also a frequent speaker and commentator on life settlement and STOLI litigation, in both [trade publications](#) and [conferences](#).

FINANCIAL FRAUD

- Represented Royal Standard Minerals, which was the plaintiff in a federal securities lawsuit against a “group” of more than ten dissident shareholders for failing to file Schedule 13-D disclosures. RESULT: Preliminary injunction granted and final judgment entered that, among other things, required for three years the votes of all shares owned by any of the defendants to be voted as directed by the Board of Directors of my client.
- Represented plaintiff who held millions of WorldCom shares as an opt-out to the class in In re WorldCom Securities Litig. RESULT: Settled on confidential terms.
- Represented plaintiff Accredited Home Lenders in a TRO and breach of contract action over a wrongful default declared by Wachovia in a credit re-purchase agreement. RESULT: The case was resolved favorably, following the entry of a TRO.
- Represented Walter Hewlett in his challenge to the Hewlett-Packard/Compaq merger. In preparation for that trial, Mr. Sklaver deposed Compaq’s former CEO Michael Capellas about his famous handwritten journal note which, describing the merger, stated “at our course and speed we will fail.” Mr. Capellas was right.

EMPLOYMENT

- Represented one of the world’s largest retailers in the defense of a four month long jury trial, wage and hour class action pending in California. One of the world’s largest retailers appointed Susman Godfrey L.L.P. to be its national trial counsel for wage and hour litigation.

ANTITRUST

- Lead day-to-day lawyer for the class in White, et al. v. NCAA, a certified, antitrust class action alleging that the NCAA violated the federal antitrust laws by restricting amounts of athletic based financial aid. ESPN Magazine coverage of the lawsuit may be found [here](#). RESULT: The NCAA settled and paid an additional \$218 million for use by current student-athletes to cover the costs of attending college, paid \$10 million to cover educational and professional development expenses for former student-athletes, and enacted new legislation to permit Division I institutions to provide year-round comprehensive health insurance to student-athletes.

ENTERTAINMENT

- Represented NAACP image award winner Morris Taylor “Buddy” Sheffield in his breach of contract lawsuit against ABC Cable Networks Group regarding the creation of Hannah Montana. RESULT: Defendant settled less than four weeks before trial.

PRO BONO

- Appointed to represent Carl Petersen, who was charged by the United States Attorney’s Office with being a felon in possession of a firearm — a charge that carries a five-year prison sentence and an 89% conviction rate. RESULT: Acquittal. Jury deliberation lasted less than four hours. Appointed by the

United States Court of Appeals for the Tenth Circuit as appellate counsel in five cases, including: [United States v. Petersen](#); [United States v. Blaze](#) (specifically noting Mr. Sklaver’s “good workmanship”); and [Sorrentino v. IRS](#) (appointed as amicus curiae by and for the Court)

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Oleg Elkhunovich

Partner



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Education

- Yale University (B.S., Computer Science and Economics, 2001)
- Yale University (M.S., Computer Science, 2002)
- University of Pennsylvania Law School (J.D., *cum laude*, 2009)

Judicial Clerkship

Law Clerk to the Honorable Anthony J. Scirica, U.S. Court of Appeals for the Third Circuit (2009-2010)

Oleg Elkhunovich, a partner in the Los Angeles office, has a broad practice in high-stakes commercial litigation, representing both plaintiffs and defendants in a variety of legal practice areas including intellectual property, antitrust, and class actions. With a strong background in Computer Science and Engineering, Elkhunovich often litigates cases involving complex technology issues, including in the areas of patent, trade secrets, and consumer protection.

Elkhunovich is a trusted trial lawyer with significant courtroom experience. He has tried two cases in two consecutive years at the International Trade Commission, which hears only a limited amount of complex intellectual property matters on extremely expedited schedule. In these matters, involving television silicon tuner chips and wearable activity trackers, Elkhunovich handled the cross examination of technical and economic experts and fact witnesses, as well as presentation of key company witnesses.

Elkhunovich has also argued case dispositive motions in state and federal courts. On behalf of former owner of an NHL hockey team, Jerry Moyes, Elkhunovich argued a series of motions for summary judgment and subsequent appeals, which resulted in slashing by over 90 percent the damages of over \$145 million sought by the NHL ([Jerry Moyes wins legal fight with NHL over Coyotes losses,NHL Loses Arizona Coyotes Bankruptcy Decision](#)). On behalf of national online real estate marketplace, Zillow, Elkhunovich argued a motion to dismiss, which resulted in dismissal of most of plaintiff's claims ([Zillow Hobbles Real Estate Rival's Trade Secrets Suit](#)).

In addition to trial work, Elkhunovich has also handled a number of appeals in both federal and state courts, and argued before the California Court of Appeals.

In 2014, Elkhunovich was one of the lawyers nominated for Public Justice's [Trial Lawyer of the Year Award](#) for his work on behalf of the economic loss class action plaintiffs in multi-district litigation against Toyota, which culminated in a \$1.6 billion settlement benefiting approximately 22 million class members—the largest settlement involving defective automobiles at that time.

Elkhunovich is an active member of a number of bar groups and associations, including the Judge Paul R. Michel Intellectual Property American Inn of Court, for which he has served as team captain in three terms. Elkhunovich also serves on the Planning Committee for the USC Intellectual Property Institute.

Elkhunovich earned a Bachelor of Science in Computer Science and Economics and a Masters of Science in Computer Science degrees from Yale University, and graduated cum laude from the University of Pennsylvania Law School. Before joining Susman Godfrey, Elkhunovich clerked for then-Chief Judge Anthony J. Scirica on the United States Court of Appeals for the Third Circuit.

Notable Representations

INTELLECTUAL PROPERTY

Finjan, Inc. v. Bitdefender, Inc., et al. (N.D. Cal.)

Elkhunovich is defending Bitdefender, a Romanian cybersecurity and anti-virus company, against claims of patent infringement by Finjan.

Uniloc U.S.A., et al. v. Bitdefender Inc. (E.D. Tex.)

Elkhunovich is defending Bitdefender, a Romanian cybersecurity and anti-virus company, against claims of patent infringement by Uniloc. In December 2017, the district court dismissed all claims against Bitdefender, having found the two asserted patents invalid as drawn to ineligible subject matter.

Jawbone v. Fitbit (Certain Activity Tracking Devices, Systems and Components Thereof) (International Trade Commission)

Elkhunovich represented a pioneer in wearable fitness tracking technology, Jawbone, in two separate, and widely covered, ITC Investigations and a series of lawsuits in federal courts in California and Delaware dubbed “activity tracker wars” by the media. Following a successful motion for summary determination of ineligibility of Fitbit’s patents, Fitbit terminated the ITC investigation it initiated against Jawbone. In Jawbone’s ITC action against Fitbit, Elkhunovich was responsible for all aspects of the patent infringement claims, arguing at the claim construction hearing and working with technical experts on infringement and validity issues. At the ITC hearing in May 2016, Elkhunovich presented and cross-examined a number of fact and expert witnesses, including Fitbit’s economic and technical experts.

Certain Television Sets, Television Receivers, Television Tuners, and Components Thereof (International Trade Commission)

As the lead associate representing a patent-holder before the International Trade Commission, Elkhunovich had a broad range of responsibilities from pre-filing investigation to post-hearing briefing, including overall formulation and execution of the case strategy on issues of patent infringement and validity. During discovery, Elkhunovich took a number of technical fact witness depositions and the key technical expert deposition. Elkhunovich then cross-examined the same witnesses during the hearing, in addition to presenting oral argument on a variety of motions.

Top Agent Network v. Zillow, Inc. (N.D. Cal.)

Elkhunovich successfully defended Zillow against a barrage of claims by Top Agent Network, Inc (TAN). Elkhunovich briefed and argued motions to dismiss, which led to ultimate dismissal of 11 out of 13 of TAN’s claims. Click [here](#) or [here](#) for more. The case settled on favorable terms following Mr. Elkhunovich taking depositions of TAN’s CEO and CTO.

CLASS ACTION

In re Qualcomm Antitrust Litigation (N.D. Cal.)

Elkhunovich is working with a team of Susman Godfrey attorneys and co-counsel as Court-appointed co-lead counsel for class action plaintiffs in the multi-district litigation involving claims that Qualcomm’s intellectual property licensing and other business practices in the market of baseband processors for cellular communications violate federal and state antitrust laws.

Patane et al. v. Nestle Waters North America, Inc. (D. Conn.)

Elkhunovich, with a team of Susman Godfrey attorneys and co-counsel, is representing consumer plaintiffs in a putative class action against Nestle involving claims that Nestle’s “Poland Spring” brand drinking water is not “spring water” as advertised.

Toyota Motor Corp. Unintended Acceleration Litigation (C D. Cal.)

With the Managing Partner of Susman Godfrey's Los Angeles office Marc Seltzer, Elkhunovich worked on behalf of the economic loss class action plaintiffs in multi-district litigation against Toyota. After three years of hard fought litigation, a historic settlement was reached valued by the Court at approximately \$1.6 billion, with the class receiving net benefits valued at approximately \$1.4 billion. Elkhunovich was one of the attorneys working on the *Toyota Unintended Acceleration* litigation nominated for the [2014 Trial Lawyer of the Year award by Public Justice](#).

COMMERCIAL LITIGATION

Peak Web LLC v. Machine Zone, Inc. (Cal. Super. Ct for Santa Clara County)

Elkhunovich represented Peak Web, in its \$100+ million lawsuit against online gaming company Machine Zone for breach of contract, fraud, and trade secret misappropriation. Elkhunovich successfully moved to have the case remanded to California state court after Machine Zone attempted to delay the trial date by removing it to federal bankruptcy court. Elkhunovich later successfully argued in the United States Bankruptcy Court for the District of Oregon that a bulk of Machine Zone's affirmative claims against Peak Web were precluded by the bankruptcy bar date. The matter was settled on confidential terms in late 2017.

Pauliewood v. Nerium International LLC (Cal. Super. Ct. for Los Angeles County)

Elkhunovich is representing an individual distributor against Nerium, a multi-level marketing company, challenging the enforceability of non-compete clauses in Nerium's contracts with its distributors.

National Hockey League v. Jerry Moyes, et al. (Bankr. D. Az.)

Elkhunovich defended former Coyotes hockey team owner, Jerry Moyes, and his family against National Hockey League's breach of contract and other claims for over \$145 million in a long-lasting dispute that was initiated in New York State Court, but subsequently removed and transferred to the Arizona Bankruptcy Court. The case was resolved in 2016 on favorable terms after Moyes prevailed in having most of the NHL's claims dismissed on motions for summary judgment, which Elkhunovich drafted and argued with Susman Godfrey's founding partner, Steve Susman.

Special Value Continuation Partners, et al. v. Bachmann, et al. (Tex. Dist. Ct. for Harris County)

Elkhunovich defended former General Counsel and President of Trico Marine Services in a \$25 million fraud claim against him and the company's other officers and directors, brought by a leading multi-strategy alternative investment management firm that loaned money to the company prior to its bankruptcy filing.

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Honors and Distinctions

- [Future Star](#), Benchmark Litigation (2022, 2023 Euromoney)
- [Plaintiffs' Lawyer Trailblazer](#), *National Law Journal* (ALM, 2020)

- Finalist, Public Justice Trial Lawyer of the Year Award (with Marc M. Seltzer, Robert S. Safi, and co-counsel)
- Southern California Super Lawyers Rising Star, (Thomson Reuters 2013-2017)
- Senior Editor, University of Pennsylvania Law Review
- Certificate in Business and Public Policy, The Wharton School of the University of Pennsylvania
- Select Program in Engineering, Yale University

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Articles

“The Supreme Court Holds the Federal Arbitration Act Trumps State-Law Public Policy,” Century City Lawyer, June 2011

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Professional Associations and Memberships

- State Bar of California
- United States District Court for the Central District of California
- United States Court of Appeals for the Third Circuit
- American Bar Association
- The Judge Paul R. Michel Intellectual Property American Inn of Court

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Language

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Krysta Kauble Pachman

Partner



Los Angeles Office Phone: (310) 789-3118 [Email](#) [Download vCard](#) [Print Bio](#) [to PDF](#)

Education

- Northwestern University (B.A., Political Science and Communication Studies, magna cum laude)
- UCLA School of Law (J.D.)

Judicial Clerkship

Law clerk to the Honorable Philip S. Gutierrez, United States District Court for the Central District of California

Krysta Pachman represents plaintiffs and defendants in high-stakes commercial litigation, including class actions, patent cases, trademark & copyright matters, and other disputes. Ms. Pachman has a track record of obtaining trial wins, favorable settlements and arbitration victories for her clients, who range from small businesses and individuals to Fortune 500 companies.

“Krysta absorbed a lot of technical information, digested it, and helped the team understand the challenges with our case. [She] developed and recommended strategies and stood [her] ground when the other side and their expert tried to bully [her]. Krysta’s professionalism and skill was essential to the outcome we received from the panel.”

– Denise M. Buffington, Director, Federal Regulatory Affairs & Corporate Counsel, Kansas City Power & Light Company

In 2021 Ms. Pachman was [appointed to serve as co-lead counsel](#) in the [Blackbaud Data Breach Class Action](#). She will lead a class action brought over a data breach involving cloud management software firm Blackbaud. Ms. Pachman represents a class of plaintiffs who are suing Blackbaud for negligence, as well as violations of California’s Consumer Privacy Act and other state law statutes. The leadership team is being hailed as ‘[most diverse leadership team ever](#)’ in data breach class action.

In the landmark copyright action, *Ferrick, et al. v. Spotify USA*, Ms. Pachman was an integral part of a trial team that secured a settlement valued at more than \$100 million dollars, including a \$43.45 million cash settlement fund and an agreement to pay future royalties to settle a class-action lawsuit with Spotify brought on behalf of music copyright owners. This case made national news, receiving press from [Billboard](#), [Forbes](#), and [Reuters](#).

Ms. Pachman was also part of a team that secured a \$40 million settlement for a class of derivatives traders in *Timber Hill v. Pershing Square Capital Management, L.P., et al.* Timber Hill alleged Defendants violated federal securities laws through their illicit insider trading and front-running scheme that damaged Timber Hill and other investors by artificially deflating the value of options and equity forwards traded by Timber Hill and Class Members. This is the largest ever stand-alone options settlement and the largest ever Section 20A options settlement.

Ms. Pachman played a key role in [Schulein, et al. v. Petroleum Development Corp.](#), representing a class of more than 7,000 limited partners who invested in 12 oil and gas limited partnerships, who alleged the defendants made false and misleading statements and omitted material information regarding the value of the assets held by the partnerships in proxy statements used to solicit votes in favor of mergers that caused the investors to be cashed out of their investments. Ms. Pachman took key depositions, wrote the opposition to defendants’ motion for summary judgment, and wrote the successful opposition to defendants’ motion to decertify the class. The case was settled for \$37.5 million in March 2015, with the class receiving approximately \$24 million.

Ms. Pachman also represented Kansas City Power & Light Company (KCPL) in a high-stakes renewable energy arbitration. During arbitration she delivered the opening statement, cross-examined the other side’s

expert, presented fact and expert witnesses, handled depositions, managed expert reports, and wrote the pre-and post-hearing briefs. The panel unanimously ruled in KCPL's favor.

Ms. Pachman currently serves as counsel for one of the largest-ever certified consumer classes, which encompasses nearly all U.S. cellular phone purchasers, all of whom have been impacted by Qualcomm's anti-competitive conduct. This complex case straddles the intersection of antitrust and technology and involves Qualcomm's monopoly in the cellular modem chip market to extract supra-competitive licensing fees on its intellectual property. Ms. Pachman briefed and successfully obtained class certification for the group – synthesizing hundreds of pages of expert analyses, voluminous fact evidence, and case law spanning complex antitrust and intellectual property issues. In 2018, the Court granted class certification in a 66-page order finding “substantial,” “strong” and “compelling” evidence to support the certification. Click [here](#) for the certification order.

For these wins and more, in 2022 Pachman was recognized as a [Top Woman Lawyer](#) in California by *The Daily Journal*. In 2021, she was named a [Rising Star of the Plaintiffs Bar](#) by *National Law Journal's* Elite Trial Lawyers (ALM) and one of the [Top 40 Lawyers Under 40](#) by the Daily Journal (Daily Journal Corp.). *The Recorder* named her a [California Trailblazer](#) in 2020 (ALM), and *Best Lawyers* called her “[One to Watch, Commercial Litigation](#)” (2021, Woodward White, Inc.).

Prior to joining Susman Godfrey, Ms. Pachman served as a Law Clerk to the Honorable Philip S. Gutierrez in the U.S. District Court for the Central District of California. She also serves on the Board of Governors for the Women Lawyers' Association of Los Angeles and serves on the Board of the Association of Business Trial Lawyers.

Notable Representations

Ongoing Matters

[In Re Blackbaud, Inc., Customer Data Security Breach Litigation.](#) Appointed co-lead counsel in this multi-district litigation, which relates to a massive data breach. Blackbaud, a cloud computing provider, maintains consumer data on behalf of thousands of non-profit corporations, hospitals, and educational institutions. The complaint alleges that Blackbaud did not maintain adequate security measures, which led to a ransomware attack. The stolen data included bank account information, social security numbers, health care data, usernames, and/or passwords.

[Jane Doe v. MindGeek USA Incorporated et al.](#) Filed a class action against PornHub and its parent company, MindGeek, alleging MindGeek has violated federal sex trafficking and child pornography laws by knowingly posting, enabling the posting of and profiting from thousands of pornographic videos featuring persons under the age of 18. In September 2021, the court denied PornHub's motion to dismiss this matter, allowing the case to move forward. [Read more.](#)

In re Qualcomm Antitrust Litigation. Serve as counsel for one of the largest-ever certified consumer classes, which encompasses nearly all U.S. cellular phone purchasers, all of whom have been impacted by

Qualcomm's anti-competitive conduct. This complex case straddles the intersection of antitrust and technology and involves Qualcomm's monopoly in the cellular modem chip market to extract supra-competitive licensing fees on its intellectual property. Ms. Pachman has played a crucial role in this matter – from taking depositions of key Qualcomm C-level executives and high-ranking Apple third-party witnesses to working with and defending the depositions of antitrust, pass through and licensing experts to representing class members in discovery. Most critically, Ms. Pachman briefed and successfully obtained class certification for the group – synthesizing hundreds of pages of expert analyses, voluminous fact evidence, and case law spanning complex antitrust and intellectual property issues. In 2018, the Court granted class certification in a 66-page order finding “substantial,” “strong” and “compelling” evidence to support the certification. Click [here](#) for the certification order.

Wins

Timber Hill v. Pershing Square Capital Management, L.P., et al. Secured a \$40 million settlement for a class of derivatives traders in *Timber Hill v. Pershing Square Capital Management, L.P., et al.* Timber Hill alleged Defendants violated federal securities laws through their illicit insider trading and front-running scheme that damaged Timber Hill and other investors by artificially deflating the value of options and equity forwards traded by Timber Hill and Class Members. This is the largest ever stand-alone options settlement and the largest ever Section 20A options settlement.

Ferrick et al. v. Spotify USA. Secured both a \$43.45 million cash fund and an agreement to pay future royalties to settle a copyright class-action lawsuit with Spotify brought on behalf of music copyright owners. This ground-breaking case gained national media attention, receiving press from [Billboard](#), [Forbes](#), and [Reuters](#). Fees and expenses have not yet been determined.

General Motors LLC Ignition Switch Litigation. Represented plaintiffs in this massive class action against General Motors, hundreds of suits were consolidated into a federal multidistrict litigation in New York over an ignition switch defect in GM vehicles, which causes the engine to switch off during use and disable the car's air bags. Pachman worked with a team of Susman Godfrey lawyers on the sixth personal injury bellwether case, which settled favorably on eve of trial. This case received substantial press from outlets such as [The Wall Street Journal](#).

Lithium Ion Batteries Antitrust Litigation. Defended more than twenty depositions in this nationwide antitrust class action brought against the world's largest manufacturers of lithium ion batteries, which power virtually every laptop computer, cell phone, smartphone, digital music player (e.g., iPods), tablet device (e.g., iPads), digital camera and camcorder, and cordless power tool used today. The suit alleges that the defendants engaged in a long-running conspiracy over more than a decade to unlawfully fix, raise and stabilize prices of lithium ion batteries.

ZiiLabs v. Apple and Samsung. Represented ZiiLabs, a subsidiary of the Singapore-based media company Creative Technologies, Ltd. ZiiLabs brought claims for patent infringement of its patents related to graphics processing technology developed originally by 3DLabs. Pachman took and defended key depositions in this

matter, prepared and argued key motions in *limine*, defeated summary judgment and successfully opposed Daubert motions. The case settled on the eve of trial after Apple had taken a license.

Sentius v. Microsoft. Represented Sentius against Microsoft in a patent infringement suit involving automated database technology. Pachman handled the Daubert motions in this matter. The case settled on highly favorable terms within 24 hours of the court issuing orders on those motions.

Schulein, et al. v. Petroleum Development Corp., et al. Represented plaintiffs in this class action litigation in Santa Ana federal court on behalf of more than 7,000 limited partners who invested in 12 oil and gas limited partnerships. Plaintiffs alleged the defendants made false and misleading statements and omitted material information regarding the value of the assets held by the partnerships in proxy statements used to solicit votes in favor of mergers that caused the investors to be cashed out of their investments. On the eve of trial, after three years of hard fought litigation – and following the court’s denial of defendants’ class decertification motion, which Pachman wrote, and denial of defendants’ partial motions for summary judgment, also written by Pachman — the case was settled for \$37.5 million, with the class receiving approximately \$24 million.

Taylor v. Shippers Transport Express. Served as counsel to Shippers Transport Express and SSA Marine in a misclassification case. Susman Godfrey was retained to assist with trial preparation, and the case settled on favorable terms just before trial.

Westmoor v. Ganga. Represented Westmoor in this copyright and trademark infringement suit in the Central District of California. Pachman briefed cross-motions for summary judgment in this case, which settled on favorable terms shortly after motion for summary judgment briefing.

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Honors and Distinctions

Lawdragon 500 Leading Litigator ([2022](#))

[Top Woman Lawyer](#), *Daily Journal* (2022, Daily Journal Corp.)

[Future Star](#), Benchmark Litigation ([2022](#), [2023](#) Euromoney)

Lawdragon 500 Leading Plaintiff Financial Lawyers ([2021](#), [2022](#))

One to Watch, Commercial Litigation *Best Lawyers* ([2021](#), [2022](#), [2023](#) Woodward White, Inc.)

[Top 40 Under 40](#), *Daily Journal* (2021, Daily Journal Corp.)

[Rising Star of the Plaintiffs Bar](#), *National Law Journal’s* Elite Trial Lawyers (2021, ALM)

[California Trailblazer](#), *The Recorder* (2020, ALM)

40 and Under Hot List, Benchmark Litigation ([2020](#), [2021](#), [2022](#) Euromoney)

Recommended Lawyer, Dispute Resolution: General Commercial Disputes, The Legal 500, ([2019](#), Legal 500)

[Next Generation Woman Leader in Tech Law](#), *The Recorder* (2018, ALM)

Southern California Rising Star, *Super Lawyers* (2017, 2018, 2019, 2020, 2021, 2022; Thomson Reuters)

[UCLA Law Review](#), Chief Comments Editor, Vol. 58

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Professional Associations

State Bar of California

Board of Governors, Women Lawyers Association of Los Angeles

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Articles and Speeches

Articles

The Music Modernization Act's Impact on Pre-1972 Works, *The Daily Journal*, April 2019

Speaking Engagements

The Notable Recent & Pending Cases in the 9th Circuit and SCOTUS, Bridgeport Continuing Legal Education, July 2, 2021

Gender Issues in the Practice of Law, Bridgeport Continuing Legal Education, January 29, 2021

Class Actions 2020: State vs. Federal Filing Considerations, Bridgeport Continuing Legal Education, September 11, 2020

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Nick Spear

Associate



Los Angeles Office Phone: (310) 789-3108 [Email](#) [Download vCard](#) [Print Bio to PDF](#)

Education

The University of Chicago Law School (J.D., High Honors, Order of the Coif, 2014)

UCLA (B.A., Political Science, *cum laude*, College Honors, Phi Beta Kappa, 2009)

Judicial Clerkship

Law Clerk to the Honorable Andrew D. Hurwitz, United States Court of Appeals for the Ninth Circuit

Law Clerk to the Honorable Philip S. Gutierrez, United States District Court for the Central District of California

Nick Spear

Associate

Nick Spear litigates high-stakes and high-profile matters across the United States, representing both plaintiffs and defendants and regularly facing-off against industry titans. Spear is a true litigator – he has tried cases in federal courts, state courts, and arbitrations across a variety of legal areas including false claims, insurance, securities, real property, breach of contract, personal injury, intellectual property, and employment. Spear’s cases have been covered by the *Los Angeles Times*, the *Associated Press*, and numerous industry publications.

Named a [Rising Star of the Plaintiffs Bar](#) by *National Law Journal*’s Elite Trial Lawyers, a [Litigation Trailblazer](#) by *National Law Journal* (ALM), and a Southern California Super Lawyers [Rising Star](#) (Thomson Reuters) in 2021 and 2022, Spear plays a central role in his cases, regularly leading deposition efforts that elicit critical information, writing persuasive motions and briefs, and winning crucial arguments in court. Spear frequently argues and succeeds against lawyers with decades more experience, including successfully opposing a demurrer argued by a former United States Attorney.

Landmark Litigation

In [State of California v. Celco Partnership](#), Spear served as co-lead counsel to some of the largest government entities in California—including the University of California system, the California State University System, and the County of Los Angeles—in a ground-breaking California False Claims Act lawsuit against several major wireless carriers. The carriers were alleged to have fraudulently overbilled their government customers for wireless services by failing to provide contractually required “lowest cost available” service. Spear played a key role in the matter, leading efforts to pursue the offensive case against AT&T. In total, the four telecommunications giants—AT&T, Verizon, Sprint, and T-Mobile—agreed pay \$175 million to the government plaintiffs in California and Nevada, including over \$50 million from AT&T alone (net settlement after fees and expenses not yet determined). These record-setting settlements are among the largest of their kind in California. Read more in the [Los Angeles Times](#)’ coverage.

Spear is at the forefront of protecting policyholders from improper insurance charges by many of the nation’s largest insurers, including Voya, Lincoln Life, North American, Genworth, Phoenix, and John Hancock. In *Helen Hanks v. Lincoln Life & Annuity Company of New York*, Spear secured a settlement valued at over \$118 million (before fees and expenses), which included a \$92.5 million non-reversionary cash settlement fund, for thousands of insurance policy owners against Voya Retirement Insurance and Annuity Company over allegations that Voya improperly raised policyholders’ cost-of-insurance charges. In *37 Besen Parkway LLC v. John Hancock Life Insurance Co*, Spear helped secure a \$91.25 million all-cash, non-reversionary settlement for insurance policy owners against John Hancock Life Insurance Co over allegations that Hancock breached the life insurance contracts of the class (before fees and expenses). Read more [here](#) (subscription required). Spear now represents a certified class of insurance policyowners in *Advance*

Trust & Life Escrow Services, LTA v. North American Company for Life and Health Insurance over allegations that North American has overcharged universal life insurance policyowners

Spear also tries cases at the cutting edge of law and technology, including representing the Lead Plaintiff in a putative securities class action alleging that the cryptocurrency XRP is an unregistered security.

Spear maintains an active pro bono practice. He currently represents a tenant advocacy group helping defend the constitutionality of eviction protections for renters enacted by the City of Oakland and Alameda County in the wake of the COVID-19 pandemic.

Community Leadership

Spear is actively involved in the community. He is an [officer](#) on the Executive Committee of the Barristers/Young Attorneys section of the Los Angeles County Bar Association (LACBA), which represents the interests of thousands of early-career attorneys across Los Angeles county. Spear is the President-Elect and will serve as President during the 2023–24 term. In addition, Spear is on the [LACBA Executive Committee and Board of Trustees](#), as well as the Bench and Bar Committee.

Spear is also on the [Advisory Board](#) of the Western Center on Law and Poverty where he has helped raise thousands of dollars to support Western Center's mission to protect California's most vulnerable citizens. Spear has also spent more than a decade as a staff member for the American Legion's California Boys' State program, one of the nation's premier governmental education programs for high school students, and currently serves as one of the program's Legal and Elections counselors. Spear also sits on the [Board of Directors](#) of the California Boys & Girls State Foundation.

Background

Before joining the firm, Spear served as law clerk to the Honorable Andrew D. Hurwitz of the United States Court of Appeals for the Ninth Circuit and to the Honorable Philip S. Gutierrez of United States District Court for the Central District of California.

Spear earned his JD from University of Chicago Law School where he graduated order of the coif and with high honors, and his Bachelor of Arts degree from UCLA, where he graduated *cum laude* and Phi Beta Kappa.

Honors and Distinctions

- [Litigation Trailblazer](#), *National Law Journal's* Elite Trial Lawyers (2021, ALM)
- [Rising Star of the Plaintiffs Bar](#), *National Law Journal's* Elite Trial Lawyers (2021, ALM)
- Southern California Rising Star, Super Lawyers (2021, 2022 Thomson Reuters)
- Comments Editor, *The University of Chicago Law Review*
- Order of the Coif, University of Chicago Law School
- Kirkland & Ellis Scholar, University of Chicago Law School
- The Ann Watson Barber Outstanding Service Award, University of Chicago Law School

- The Thomas R. Mulroy Prize for Excellence in Appellate Advocacy and Oral Argument, University of Chicago Law School
- Phi Beta Kappa, UCLA

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Publications

Taking Leases, Comment, 80 U. Chi. L. Rev. 2005 (2013)

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Admissions

- State Bar of California
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

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Professional Organizations

- American Bar Association
- American Bar Foundation, Fellow
- Association of Business Trial Lawyers
- California Lawyers Association
- Federal Bar Association
- Judge Paul R. Michel Intellectual Property American Inn of Court
- Los Angeles County Bar Association, Executive Committee

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